



09/976187 #4  
PATENT  
Docket No.: 3201.2.1

**DECLARATION, POWER OF ATTORNEY AND PETITION**

We, Joseph V. Simmons, Benjamin L. Davis and Alan L. Nicoll, having residence and post office addresses of 1688 North 1400 East, Lehi, Utah 84043; 13965 South Hoyt Peak Circle, Riverton, Utah 84065 and 1387 East 2000 North, Lehi, Utah 84043, respectively; verily believe we are the original, first and co-inventors of the subject matter of the invention or discovery entitled "HEATING, VENTILATING, AND AIR-CONDITIONING DESIGN APPARATUS AND METHOD," for which a patent is sought and which is described and claimed in the specification of application Serial No. 09/976,187, filed on October 12, 2001; that we have reviewed and understand the contents of the above-identified specification, including the claims; and that we acknowledge the duty to disclose all information known to us to be material to patentability as defined in Section 1.56 of Title 37 of the Code of Federal Regulations.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

We hereby appoint as our attorneys, A. John Pate, Gary D.E. Pierce and Hal D. Baird, Registration Nos. 36,234, 38,019 and 42,284, respectively, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

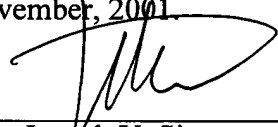
All correspondence and telephonic communications should be directed to:

A. John Pate, Esq.  
PATE PIERCE & BAIRD  
Bank One Tower  
50 West Broadway, Suite 900  
Salt Lake City, Utah 84101

Wherefore, we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

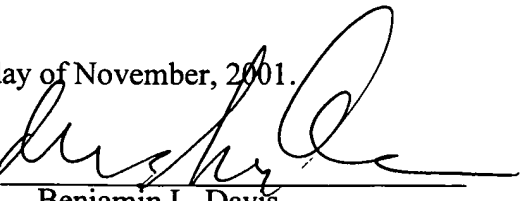
Signed at Lehi, Utah, this 7 day of November, 2001.

Inventor

  
Joseph V. Simmons  
1688 North 1400 East  
Lehi, Utah 84043

Signed at Lehi, Utah, this 7 day of November, 2001.

Inventor

  
Benjamin L. Davis  
13965 South Hoyt Peak Circle  
Riverton, Utah 84065

Signed at Lehi, Utah, this 7 day of November, 2001.

Inventor Alan L. Nicoll  
Alan L. Nicoll  
1387 East 2000 North  
Lehi, Utah 84043